

DISABLED MAN THREATENED WITH EVICTION DUE TO BANK FORECLOSURE



John uses a motorized wheelchair to move around his apartment.

A year and a half ago, John DeLeon found the perfect home that he could modify to accommodate his disabilities, and that qualifies for his Section 8 rental assistance program. His family invested thousands of dollars in custom-fit accommodations, from ramps, to grab bars to special door handles. But now John faces an arbitrary eviction by the HSBC Bank, that foreclosed on his landlord last summer. Despite being informed of his special circumstances, and despite there even being a buyer interested in purchasing the property and keeping John as a tenant, HSBC bank is proceeding with an eviction case against John.

Although his body grows weaker each year, John DeLeon, who turned 44 last month, has lived independently since the age of 21. While he used to walk freely, John's muscular dystrophy has since progressed requiring him to use a cane, a walker, a scooter, and now, in the last two years – a wheelchair. Despite the uncertainty surrounding his health and his home, John has always paid his rent, until he learned his landlord no longer owned the property. Since then, he has been holding the money, hoping the bank will accept it and enter into a lease with him while they try to sell the property.

In October, 2008, John got a letter from a realtor offering him \$750 to move out within 14 days. He went to New Haven Legal Assistance for help. His lawyer contacted the realtor, and eventually the bank's lawyer, and explained the situation, and requested a "reasonable accommodation" in the bank's policies, to allow John to stay while they marketed the premises. There was no response from the bank, until the end of January, when they served him with a summons and complaint in an eviction case. In the months that have passed since the foreclosure, several buyers have visited the place. According to the realtor showing the home, his potential buyers want to purchase the home with John as a renter and hope to keep John as their tenant. But the realtor cannot close the deal because the bank has not set a selling price. They will name a price, they said, only when the home is vacant.

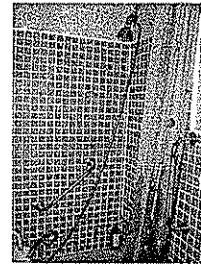
Moving is not an option for John. While John's neighbors in the four-family unit chose to leave in exchange for cash, John knew that he would not have as easy of a time finding a new place. He remembered his previous apartment which required him to climb stairs, leading to many accidents and falls. With his illness progressing, stair-climbing was proving even more difficult. John moved to his current one-story home specifically to avoid such falls and hospital visits, and it had taken his parents an entire year to find the place. His family has also invested thousands of dollars into the home to allow him to

move around and be independent. John's parents had helped to fit his current home with grab bars, custom-made ramps, and sliding doors to allow John to move around. Because John's hands are often stiff and weak, his father replaced all the door knobs with door handles and added handles to drawers to give John a larger object to pull and hold on to. John's father even installed special heat panels because the warmth gives John's muscles additional flexibility.

Because his disease grows more debilitating over time, John loses different capabilities each year. As his body fails him in different ways, John's home has been one of few sources of stability in his life. John spends many hours each day at various doctors visits, a few times he has also spent months at hospitals and rehabilitation centers. Related to his muscular dystrophy, John has also been diagnosed with diabetes, severe psoriasis, brain lesions, cancerous melanoma lesions, hairy cell leukemia (for which he underwent chemotherapy and is now in remission) along with numerous bouts of cardiac arrest brought about by the weakening of his heart muscles. The location of his current apartment is ideal: John lives close enough to Griffin Hospital to be a part of its lifeline service which allows John to easily dispatch 911 and be transported to the hospital for his frequent emergencies.

John also has daily visits from a Certified Nurses Assistant who can also come in times of emergency because she lives close to John. The CNA helps John cook, eat, bathe and keep his home clean. Each day John also consumes 14 different medications which requires his CNA to visit the nearby drugstore fairly often for pill refills and also make frequent grocery visits with John to the nearby store so he can maintain a diet that agrees with his various medications.

In addition to maintaining his health, John stays active by visiting a nearby trail along the Housatonic River. By scooter, John can get from home to the trail in just 15 minutes. As John's muscles continue to atrophy, John requires new equipment, and fixtures to help him move around. If evicted, John and his parents risk losing not only the investments and items they had custom-fitted for John's home but also will face the arduous task of finding another one-story unit that meets his needs, that qualifies for his Section 8 rental assistance program and that can be renovated to accommodate John's needs.



John's family bought and installed over \$5,000 in fixtures to make the home livable for John, including a custom-made ramp, grab bars and handheld shower devices.



John uses a low table and other equipment that allow him to function while staying in his wheelchair.